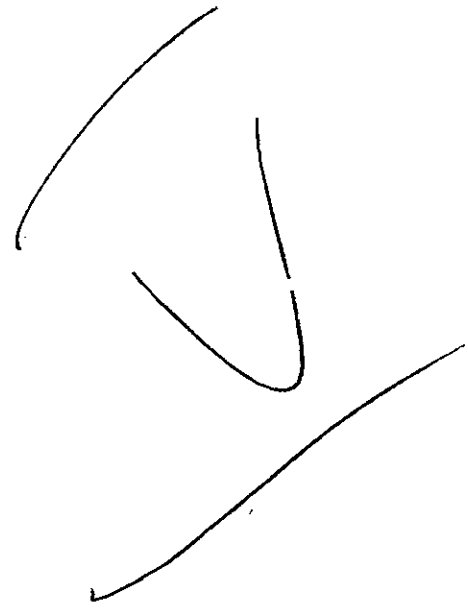
1944-48 **File No.** 7302/36

B&R PW DEPARTMENT
& BRANCH (11)

Subject:—Claims Commission (India).
Constitutions & Functions of—



OK 1944

& (11)

File No. 7302/36

Std. Sectt. 78A e.

G R., G D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET (B)

Subject :—

File No. 7302/36

P. W. DEPT.

8 BRANCH. (11)

References :—

Date.	To whom sent.	Notes and instructions.

No.8329-A/W.5.

GOVERNMENT OF INDIA. WAR DEPARTMENT.

New Delhi , the 27th December 1944.

To

The Chief Secretary to the Government of Bombay.

X X X X X

Subject:- Constitution and functions of the claims Commission (India)

Sir,

I am directed to say that the Government of India have set up a Commission known as the Claims Commission (India), which will operate with effect from the 1st January 1945. The Commission is located at General Headquarters (India), Simle. The present locations of executive officers of the Commission are indicated in Annexure A to this letter.

2. The Claims Commission (India) will deal with claims in India made by or against the Armed Forces (British, Indian, Dominion and Allied), or the personnel thereof, or the Central Government, arising out of traffic accidents, training or manoeuvres, and occurrences in the nature of civil wrongs, whereby personnal injury or loss of life or property, or damage to land or crops or other property has resulted, in circumstances for which the Armed Forces, or the Central Government on their behalf, allege or accept responsibility.

3. The Claims Commission (India) will NOT deal with claims against provincial Governments or Administrations, nor with claims of the categories listed in Annexure B to this letter Claims against theCentral Government are also outside the scope of the Commission unless it is alleged that Service personnel were responsible for the incident giving rise to the claim.

4. Claims falling within the jurisdication of the Commission fall into three main categories as follows:-

(a) Traffic accidents involving Service vehicles;

(b) Training or manoeuvre damage;

(c) Miscellaneous claims arising from tortious acts of Service personnel .

Necessary instructions have been issued in Special India Army order No. 71/S/44, dated the 9th December 1944 , for military units, etc., in India to report to Claim Commission-n Officers any occurrences likely to give rise to claims fall-ing within these definitions. Similar Orders are being issued by the Royal Indian navy and the Air Force in India.

5. Claims arising from the activities of Service personnel under the operational command of South -East Asia Command (whether belonging to naval, military or air forces) are the responisibility of the Central Government if the incident which gave rise to the claim occurr-ed within the te-rritorial limits of India. If the incident ocurred elsewhere the claim should be submitted to the Claims Commission, S.E. A.C.

6. In respect of claims arising from activities of the American Forces in India, the functions of the Claims Commission (India) are limited to liaison with the U.S.A. authorities, review of American recommendations, and payment of claims if properly chargeable to Reciprocal Lease-and. The detailed work of investigation of such claims will be done, as hitherto, by American Claims Officers, to whom claims against U.S.A Forces should be sent in the first instance. If, however there is any difficulty in locating the appropriate American Claims Officer, there is no objection to claims being sent to an officer of the Claims Commission (India) for postal redirection.

7. In consequence of the setting up of the Claims Commission (India) the financial powers delegated to naval, military and air force authorities by the Government of India for the settlement of claims now falling within the jurisdiction of the Commission, have been cancelled with effect from the 1st January 1945, with the exception of the financial powers for settlement of claims bearing Serial Nos. (vii) and (viii) in Annexure B, which are expressly maintained in force. Within effect from the

Commission "if the

the same date, claims falling within the jurisdiction of the Commission willnot be settled, except by the commission and its officers to whom necessary finacial powers have been delegated.

8. Instructions have been issued in Special India Army order referred to in pargraph 4 supra to all military formations, units, etc., in India to the effect that claims outstanding on the 1st January 1945, should be passed to the appropriate officer of the claims Commission for disposal. Similar instructions are being issued by the Royal Indian Navy and the Air Force in India.

9. (a) On reference to Serial (x) of Annexure B., it will be noted that the Claims Commission (India) is precluded from dealing with claims "in respect of which any other authority is prescribed by law". Claims of this class may, however, be delat with by the Commission "if the claimant waives recourse to the prescribed authority and submits to the decision of the Commission." This proviso is framed with the principal Objectof empowering the Commission and its officers to undertake, when feasible and appropriate, the work of the " prescribed authority/ and submits to the decision of the Commission". This proviso is framed with the principal objectof empowering the Commission and its officers to undertake, when feasible and appropriate the work of the "prescribed authority"/for assessing and paying compensation under the Manoeuvres, Field Firing and Artillery practice Act, 1938, as amplified by Rules 50 A and and 50B of the Defence of India Rules.

(b) It is hoped that in course of time claims Commission Officers will be available in sufficient numbers to relieve Revenue officers of an appreciable part of the work of assessing and paying compensation for military manoeuvres, field firing and artillery practice in cases of damage, etc., to which the Act and Rules apply. It will be

however, be appreciated by all concerned that it will be necessary for revenue officers to continue to carry out their duties under the Act and Rules until sufficient Claims Commission Officers are available to undertake these duties more particularly in outlying districts. In the interim period it must be left to Claims Commission Officers and revenue officers to ensure that overlap of work and duplicate payment of claims are avoided.

10. The terms of Serial (x) of Annexure B must not be quoted for the purpose of diverting to the Claims Commission claims which are properly the concern of some other authority, such as a Commissioner under the Indian Workmen's Compensation Act , 1923.

11. Officers of the Claims Commission(India) are responsible for their technical duties to the president of the Claims Commission. I am to request that every assistance may be given to them in the discharge of these duties. The Commission will issue instructions to its officers to the effect that they should avail themselves to the fullest possible extent of the advice of Civil Government authorities or appropriate political Officer on local law and custom, and in particular the local law and practice regarding liability for injury death, loss and damage, and the basis of assessment of compensation in the provinces/ Administrations to which they are assigned. The Govern of India trust that Collectors, Deputy Commissioners and other Civil Government officers will be notified as soon as possible of the constitution and functions of the Commission and will be instructed to advise assist claims Commission officers to the best of their ability when consulted.

I am, Sir,

Your most obedient servant ,

Sd/- G.S. Bhalja.

Additional Secretary to the Government of India.

Annexure 'A' to letter No. 8329-A/W.5 dated the 27th December 1944.

LOCATION OF CLAIMS COMMISSION OFFICERS.

Location	Claims Area.
H.Q., N.W. Army	Rawalpindi District.
	Peshawar District
	Kohat District.
	Waziristan District.
H.Q., Sind District.	Baluchistan District.
	Sind District.
H.Q., Lhore District.	Central Command, excluding Lahore District & Delhi District
H.Q., Lhore District.	Lhore District.
H.Q., Delhi District	Delhi District
H.Q., 105 L of C. Area.	105 L. of C. Area.
H.Q., 108 L of C Area.	(108 L. of C. Area.
	(110 L. of C. Area.
H.Q. 109 L of C Area.	109 L of C Area.
H.Q., 101 L of C Area.	101 L of C Area.
H.Q. 303 L of C Area.	303 L of C Area
H.Q., 202 L of C Area.	202 L of C Area.
H.Q., 404 L of C Area.	404 L of C Area.

Annexure 'B' to letter No. 8329-A/W.5, dated the 27th December 1944.

CLAIMS OUTSIDE THE SCOPE OF THE CLAIMS COMMISSION (INDIA).

The Claims Commission (India) will NOT deal with

(i) Claims arising from requisitions, hirings purchases or other contracts

(ii) Claims by members of the Armed Forces, and Civilian employees of those Forces which fall to be considered under Royal Warrants or Departmental Regulations

(iii) Loss or damage to service stores or property, unless a claim arises against a civilian in respect of such loss or damage

(iv) Fires in premises hired or requisitioned by the

(iv) the Services (unless damage is thereby causeed to private property).

(v) Claims arising from war damage

(vi) Claims arising outside the territorial limits of India

(vii) Claims in respect of which financial powers were delegated to the C-in-C., North-Western Army, under the late Army Department letters No.18118/I (M.O.L), dated the 7th August 1925, and No.B-4075/2(A.G.[illegible]), dated the 24th July 1929, and for payment of compensation to tribesmen on the North - West Frontier province.

(viii) Claims in respect of which financial powers were delegated under Defence Department letter No.60889/11A/A/Q.8, dated the 5th December 1941 (as amended by War Departmennt(Army Branch)corrigenda No. 1106/4/A.G.13 (c), dated the 29th June 1942 and No.49163/1/A.G.13(c), dated the 28th June 1943 and under Government of India, War Department (Army Branch) letter No. 80550/1/P.P.2(c), dated the 6th September 1944 regarding payment of compensation for damage to plant , machinery,or property of civil organisations caused by personnel of Transportation Units (Railways, Docks, Port and Inland Water Transport)

(ix) Inter - departmental claims.

(x) Claims in respect of which any other authority is prescribed by law;

provided that claims of the last named class may be dealt with by the Commission if the claimant waves recourse to the prescribed authority and submits to the decision of the Commission.

No.S.D.248.
Home Deprtment (Political).
Bombay Castle, 31st January 1945.

No.S.D. 248.

Home Department (Political).

Bombay Castle, 31st January 1945.

Forwarded with compliments to:-

The Commissioner of Police, Bombay,

All District Superintendents of Police,

with request to advise and assist Claims Commission officers to the best of their ability when consulted;

All Departments of the Secretariat (except the Separate Department) for information.

By order of the Governor of Bombay,

Sd/-

for Secretary to the Government of Bombay,

Home Department.

Lc. 6-2-1945

No.8329-A/W.5.

Government of India, War Department.
New Delhi, the 27th

December 1944.

****

To

The Chief Secretary to the Government of Bombay,

******

Sir,

(Sub.-Constitution and function of theclaims commission (India)).

I am directed to say that the Government of India have setup a commission knownas the Claims Commission (India) which will operate with effect from the 1st January 1944. The Commission is located at General Headquarters (India), Simla .The present locations of executive officers of the Commission are indicated in Annexure A to this letter.

2. The Claims Commission (India) willdeal with claims in India made by or against the Armed Forces (British, Indian, Dominion and Allied), or the personnel thereof, or thecentral Government , arising out of traffic accidents training or manoeuvres, and occurrences in the nature of civil wrong , whereby personnal injury or loss of life or property, or damage to land crops or property has resulted, in circumstances for which the Armed Forces or the Central Government on their behalf , allege or accept responsibility

3. The Claims Commission(India) will NOT deal with claims against provincial Governments or Administrations, nor with claims of the categories listed in Annexure B to this letter. Claims against the Central Government are are also outside the scope of the Commission unless itis alleged that Service personnel were responsible for the incident giving rise to the claim.

4. Claims falling within the jurisdiction of the Commission fall into three maincategories as follows.

(a) Traffic accidents involving Service Vehicles,

(b) Training or manoeuvre damage;

(c) Miscellaneous claims arising from tortious acts of srvice personnel.

Necessary instructions have been issued in Special India Army order No. 71/S/44, dated the 9th December 1944, for military units, etc., in India to report to Claims falling within these definitions. Similar orders are being issued by the Royal Indian Navy and the Air Force in India.

Commission Officers any occurrences likely to give rise to claims.

5. Claims arising from the activities of Service personnel under the operational command of South East Asia Commande (whether belonging to naval, military or air forces) are the responsibility of the Central Government if the incident which gave rise to the claim occurred within the territorial limits of India. If the incident occurred elsewhere , the claim should be submitted to the Claims Commission, S.E., A.C.

6. In respect of claims arising from activities of the American Forces in India, the functions of the Claims Commission(India) are limited to liaison with the U.S.A authorities, review of American recommendations, and payment of claims if properly chargeable to Reciprocal Lease-Lend The detailed work of investigations of such claims will be done, as hitherto, by American Claims Officers, to whom claims against U.S.A.Forces should be sent in the first instance. If, however there is any difficulty in difficulty in locating the appropriate American Claims Officer, there is no objection to claims being sent to an officer of the Claims Commission (India) for postal redirection.

7 In consequence of the setting up of the Claims Commission (India) the financial powers delegated to naval, military and air force authorities by the Government of India for the settlement of claims now falling within the jurisdiction of the Commission, have been cancelled with effect from the 1st January 1945, with the exception of the financial powers for settlement of claims bearing Serial Nos(vii) and (viii) in Annexure, which are expressly maintained in force .With effect from the same date , claims falling within the jurisdiction of the Commission will not be settled , except by the Commission and its

officers to whom necessary financial powers have been delegated.

8. Instructions have been issued in Special India Army Order referred to in paragraph 4 supra to all military formations, units, etc., in India to the effect that claims outstanding on the 1st January 1945 should be passed to the appropriate officer of the claims Commission for disposal. Similar instructions are being issued by the Royal Indian Navy and the Air Force in India.

9. (a) On reference to Serial (½) of Annexuure B, it will be noted that the Claims Commission (India) is precluded from dealing with claims " in respect of which any other authority is prescribed by law " Claims of this class may, however, be dealt with by the Commission " if the claimant waives recourse to the prescribed authority and submits to the decision of th theCommission". This proviso is framed with the principal objec -t of empowering the Commission and its officers to undertake when feasible and appropriate, the work of the "prescribed authority " for assessing and paying compensation under the Manoeuvres, Field firing and Artillery practice Act, 1938, as amplified by Rules 50A and 50B of the Defence of India Rules.

(b) It is hoped that in course of time Claims Commission Officers will be available in sufficient numbers to relieve revenue officers of an appreciable part of the work of assessing and paying compensation for military manoeuvres, field firing and artillery practice in cases of damage, etc., to whom the Act and Rules apply. It will , however be appreciated by all concerned that it will be necessary for revenue officers to continue to carry out their duties under the Act and Rules until sufficient Claims Commission Officers are available to undertake these duties more particularly in outlying districts . In the interim period it must be left to Claims Commission Officers and revenue officers to enwure that overlap of work and duplicate payment of claims are avoided.

10. The terms of Serial (x) of Annexure B must not be quoted for the purpose of diverting to the Claims Commission claims which are properly the concern of some other authority , such as a Commissioner under the Indian Workmen's Compensation Act 1923.

11. Officers of the Claims Commission(India) are responsible for their technical duties to the President of the Claims Commission. I am to request that every assistance may be given to them in the discharge of these duties. The Commission will issue instructions to its officers to the effect that they should avail themselves to the fullest possible extent of the advice of Civil Government authorities or the appropriate Political Officer on local law and custom, and in particualr the local law and practice regarding liability for injury death,loss and damage, and the bssis of assessment of compensation in the Provinces / Administrations to which they are assigned. The Government of India trust that Collectors, Deputy Commissioners and other Civil Government officers will be notified as soon as possible of the constitution and functions of the Commission and will be instructed to advise and assist Claims Commission Officers to the best of their ability when consulted.

I am sir,

Your most obedient servant,

Sd. G.S.Bhalja.

Additional Secretary to the Government of India.

Annexure 'A' to letter No.8329-A/W.5 dated the 27th December 1944.

LOCATION OF CLAIMS COMMISSION OFFICERS

Location	Claims Area.
H.Q., N.W.Army	Rawalpindi District. Peshwar District. Kohat District. Waziristan District.
H.Q.Sind District.	Baluchistan District. Sind District.
H.Q.,Central Command.	Central Command, excluding Lahore District & Delhi District
H.Q., Lhore District.	Lahore District.
H.Q.Delhi District.	Delhi District .

H.Q., ~~Lx~~x 105 L of C Area	105 L of C Area.
H.Q. 108 L of C Area	(108 L of C Area)
H.Q., ~~109~~ L of C Area.	109 L of C Area.
H.Q. 101 L of C Area	101 L of CArea
H.Q. ~~303~~ L of C Area.	303 L of C Area.
H.Q. 202 L of C Area.	203 L of C Area.
H.Q. 404 L of C Area.	404 L of C Area
.....	110 of C Area

Annexure 'B' to letter No. 8329-A/W.5. dated the 27th December 1944

CLAIMS OUTSIDE THE SCOPE OF THE CLAIMS COMMISSION(INDIA)

The Claims cCommission (India will NOT deal withi

(i) Claims arising from requisitions, hirings purchases or other contracts.

(ii) Claims by members of the Armed Forces, and Civilian employees of those Forces which fall to be considered under Royal Warrants or Departmental Regulations.

(iii) Loss or damage to service stores or property, unless a claim arises against a civilian in respect of such loss or damage

(iv) Fires in premises hired or requisitioned by the services (unless damage is otherby caused to private property).

(v) Claims arising from war damage.

(vi) Claims arising outside the territorial limits of India

(vii) Claims in respect of which financial powers were delegated to the C- in-c ,No.th -Western Army, under the late Army Department letters, No. 18118/I(M.O.1). dated the 7th August 1925 and No. B-4075/2(A.G.1~~3~~), dated the 24th July 1929, for payment of compensation to tribesmen on the North-West Frontier Province.

(viii) Claims in respect of which financial powers were delegated under Defence Department letter No. 608889/A Q.8, dated the 5th December 1941 (as amended by WAR Department (Army Branch corrigenda No.11061/4/A.G. 13(c), dated the 29th June 1942 and No.49163/1/A.G. 13(c), dated the 28th June 1943) and under

~~xxxxx~~

Government of India, war Department (Army Branch) letter No. 80550/1/P.P~~.~~(c), dated the 6th September 1944, regarding payment of compensation for damage to plant machinery or property of civil organisations caused by personnel of Transportation Units (Railways , Docks , Port and Inland Water Transport).

(ix) Inter- departmental claims.

(x) Claims in respect of which any other authority is prescribed by law;

Provided that claims of the last named class may be dealt with by the Commission if the claimant ~~must~~ waives recourse to the prescribed authority and submits to the decision of the Comm -ission.

No.S.D. 248

Home Department (Political).

Bombay Castle, 31st January 1946.

Copy forwarded with compliments to:-

The Commissioner of Police, Bombay,
All ~~Commissioner of Police, Bombay~~ District Magistrates,
All District Superintendents of Police.,

with a request to advise and assist Claims Commission Office -rs to the best of their ability when consulted;

All Departments of the Secretariat (expept the Separate Department) for information.

By order of the Governor of Bombay,

Sd.

for Secretary to the Government of Bombay
Home Department.

No.7302/36-E (II) Public ~~Works~~ Works Department,

Bombay Castle, 17th March 1945.

Copies forwarded to-

the Superintending Engineers of Circles,
the Special Officer (Electric Grid),
~~the Special Officer~~
the Electrical Engineer to Government
the Public Health Engineer toGovernment
the Director, Development Department Chawls,

for information.

By order of the ~~Government~~ Governor of Bombay,

Sd.
(P.F.Dias).

for Secretary to the Government of Bombay,
Public Works Department.

Issued

LETTER

No.S.D.A. ~~448~~ 448. Home Department (Politic
al). Bombay Castle, 23rd
February 1945.

To

All District Magistrates,

The Commissioner of Police, Bombay.

Subject:- Claims Commission (India).

Reference Government Endorsement, No.S.D.248, dated the 31st January 1945, forwarding a Copy of a letter from the Government of India, War Department, No.8329-A/W.5, dated the 27th December 1944 , regarding the constitution and functions of the Claims Commission (India).All claims for compensationagainst Service -Personnel arising out of incidents falling in any of the three categories mentioned in that letter/ which maybe outstanding or which may arise in future should beforwarded to the Claims Commission Officer, Major H.J.H.Lamb, D.A.D. Claims , 108 L of C Area. Government in this Department should be kept informed of all such claims and of the decision of the Claims Commission officer.

(for district Magistrate Poona only)

2. The District Magistrate, Poona , ~~ixxixfxrmedxixxtxthex~~ ; only is informed that the case regarding ex-gratia compensation referred to in the correspondence ending with this Department letter, No.S.D.2882, dated the 29th December 1944, has already been referrred by Government to the Claims Commission officer.

(3. The District Magistrate, Kolaba, is informed that case regarding ex-gratia compensation referred to in the correspondence ending with this Department endorsement No.S.D.2263, dated the 3rd October 1944, is already under the consideration of the Claims Commission Officer.)

for Secretary to the Government of Bombay,
Home Department.

for District Magistrate, Kolaba,Only

No.S.D. ## 449.

Home Department (Political).

Bombay Castle, 23rd February 1945.

Copy, forwarded with compliments, for information to:-

All District Superintendents of Police,

All Departments of the Secretariat (except the Separate Department),

in continuation of Government Endorsement, No.S.D.-248, dated the 31st January 1945.

By order of the Government

Bombay, sd/-

for Secretary to the Government of Bombay,

Home Department.

Id.

Letter,

No.S.D.-448.

Home Department (Political).

Bombay Castle, 23rd February 1945.

To -

All District Magistrates.

The Commissioner of Police, Bombay.

Subject:- Claims Commission (India).

Reference Government Endorsement No.S.D.248, dated the 31st January 1945, forwarding a copy of a letter from the Government of India, War Department, No.8329-A/W.5, dated the 27th December 1944 regarding the constitution and functions of the Claims Commission (India). All claims for compensation against Service-personnel arising out of incidents falling in any of the three categories mentioned in that letter which may be out standing or which may arise in future should be forwarded to the Claims Commission Officer, Major H. JHLamb, D.A.D. Claims, 108 L of C Area. Government in this Department should be kept informed of all such claims and of the decision of the Claims Commission Officers.

for District Magistrate Poona, only.

2. The District Magistrate, Poona, is informed that the case regarding ex-gratia compensation referred to in the correspondence ending with this Department letter, No.S.D. 2882, dated the 29th December 1944, has already been referred by Government to the Claims Commission officer.

for District Magistrate, Kolaba, only.

3. The District Magistrate, Kolaba, is informed that the case regarding ex-gratia compensation referred to in the correspondence ending with this Department endorsement, No.S.D.2263, dated the 3rd October 1944, is already under the consideration of the claims Commission Officer

Sd/-

For Secretary to the Government of Bombay,

Home Department.

No.S.D.449.

Home Department(Political).

Bombay Castle, 23rd February 1945.

Copy, forwarded with compliments , for information to:

All District Superintendents Police,

All Departments of the Secretariat (except the Separate Department),

in continuation of Government Endorsement , No.S.D.-248, dated the 31st January 1945.

By order to the Govefnor of Bombay,

Sd/-

for Secreta-ry to the Government of Bombay,

Home Department.

No. 7302/36-E(II). Public Works Department,

Bombay Castle, 3rd April 1945.

Copies forwarded to:-

The Superintending Engineers of Circles,

The Special Officer (Electric Grid;)

The Electrical Engineer to Government,

The Public Health Engineer toGovernment,

The Director, D.D.Chawls,

for information in continuation of Government Endorsement, No.7302/36-E(II), da-ted the 17th March 1945

By order to the Governor of Bombay.

Sd.
(P.F.Dias,)

A ssistant Secretary to the Government of Bombay,

Public Works Department.

Issued on 4-4-45

RBI.26/6

No.Claims/IND/ 48.

Government of India, War Department(Army Branch).

New Delhi, the 17th January 1945.

To

All the Provincial Governments and Adiministrations.

Sir,

The Claims Commission (India), as notified in this Department letter No. 8329-A/W.5, dated the 27th December 1944, was set up to deal with claims against the services or Service personnel or the Central Government arising out of (inter alia) traffic accidents and "occurrences in the nature of civil ~~wr~~ wrongs" in circumstances for which the Services, or the Central Government on their behalf, accept responsibility.

2. A question has now arisen as to who should pay for ~~t~~ the claims arising from negligence or other wrongful acts of troops lent in aid of the civil power .

3. The nature of the activities in which troops are engaged in aid of the civil power may be classified for "claims" purposes as follows:-

(a) Police duties such as the suppression of civil disorders;

~~(b)xxxx

No.S.D.II/249-I.

Home Department (Political)- War.

Bombay Castle, 12th March 1946.

From

J.G.Simms, Esquire, O.B.E.,I.C.S.,

Secretary to the Government of Bombay,

Home Department.

To

The Secretary to the Government of India,

War Department (Army Branch).

Sir,

I am directed to refer to your letter, No.Claims/IND/48, dated the 17th January 1946,and to state that the Government of Bombay concurs in the suggestion of the Government of India that the cost of troops lent in aid of the civil power should be apportioned between the Central and Provincial Governments on the pronciples laid down in the rules contained in Appendix 3 Account Code, Volume I.

(meeting claims arising from negligence or other wrongful acts of

Your obedient servant,

Sd.

for Sectetary to the Government of Bombay,

Home Department. ~~P.T.O.~~

.....

No.S.D.II/-249-I.

Home Department (Political)-War.

Bombay Castle, 12th March 1946.

Copy with copy of the letter to which it is reply, forwarded with compliments for information and guidance to:-

The Accountant General, Bombay, (through the Finance Department),

All Departments of the Secretariat(except the Separate Department).

By order of the Governor of Bombay,

Sd.

for Secretary to the Government of Bombay,

Home Department..

Id. 19-3.

No. Claims/IND/48.

Government of India, War Department (Army Branch)

New Delhi, the 17th January 1946.

To

All the Provincial Governments and Administrations.

Sir,

The Claims Commission(India), as notified in this Department letter No.8329-A/W.5, dated the 27th December 1944, was set up to deal with claims against the Services or Service personnel or the Central Government arising out of (inter alia) traffic accidents and occurrences in the nature of civil wrongs" in circumstances for which the Services, or the Central Government on their behalf, accept responsibility .

2. A question has now arisen as to who should pay for the claims arising from negligence or other wrongful acts of troops lent in aid of the civil power.

3. The nature of the activities in which troops are engaged in aid of the civil power may be classified for claims purposes as follows:-

(a) Police duties such as the suppression of civil disorders;

(b) relief of calamities such as floods, fires, earthquakes and famine;

(c) maintenance of essential services carried on by the Central or Provincial Governments.

4. The rules governing the incidence of the cost of troops lent to civil Departments of the Central Government and to Provincial Governments are contained in appendix 3 to Account Code, Vol.I.It seems that the cost of meeting claims referred to in paragraph 2 above should also be apportioned between the Central and Provincial Governments on the Principles laid down in these rules. I am to request that that the concurrence of the Provincial Government in this suggestion may be communicated to the Government of India as soon as possible.

I am, Sir,

Your most obedient servant,

(Sd) C.D. Sharma

Under Secretary to the Government of India.

No.S.D.II/249-I. Home Department (Political)-War

Bombay Castle, 12th March 1946.

From

J.G.Smms,Esquire, O.B.E., I.C.S.,

Secretary to the Government of Bombay,

Home Department.

To

The Secrtary to the Government of India,

War Department (Army Branch).

Sir,

I am directed to refer to your letter No.Claims/IND748, dated the 17th January 1946, and to state that the Government of Bombay concurs in the suggestion of the Government of India that the cost of meeting claims arising from negligence or other wrongful acts of troops lent in aid of the civil power should be apportioned between the Central and Provincial Governments on the Principles laid down in the rules contained in Appendix 3 to Account Code, Volume I.

Your obedient servant,

Sd.

for Secretary to the Government of Bombay,

Home Department .

No.S.D.II/249/-I. Home Department (political)- War .

Bombay Castle, 12th March 1946.

Copy, with a copy of the letter to which it is a reply, forwarded with compliments for information and guidance to:-

the Accountant General, Bombay,(through the Finance Department,)

All Departments of the Secretariat (except the Separate Department).

By order of the Governor of Bombay,

(Sd.)

for Secretqry to the Governmentof Bombay,

Home Department.

No. 7302/36-E(II).

Public Works Department,

Bombay Castle, 30th March 1946.

Copies forwarded to-

the Chief Engineer, Post War Reconstruction,
(with a copy of the Government Endorsement
referred to below and its accompaniments),
the Superintending Engineers of Circles,
The Special Officer (Electric Grid).
the Electrical Engineer to Government,
the Public Health Engineer to Government
the Director, Development Department Chawls,

for information in continuation of Government Endorsement No. 7302/36-E(II), dated the 3rd April 1945.

By order of the Governor of Bombay,

Id. 1-4-46

(D.N.DARUWALA) o/c

Assistant Secretary to the Government of Bombay,
Public Works Department.

Issued 2-4-46

Jd ✓ atteached.

Regr.No.4468-A/D.5.

No.Claims/IND/48.

Government of India.

Defence Department (Army Branch).

New Delhi, the 30th May 1947.

To

The President, Claims Commission (India).

Incidence of cost of claims arising out of negligence or other wrongful acts oftroops employed in aid of the civil powers.

Sir,

The undersigned is directed to invite a reference to war Department (Army Branch)letter No.Claims/IND/48, dated the 17th January 1946, addressed to all the Provincial Governments and Administrations and to inform you that all the Provincial Governments (with the exception of N.W.F.P. whose reply is still awaited) have agreed that the cost of meeting claims arising from negligence or other wrongful acts of troops lent in aid of the civil poer should be apportioned between the Central and Provincial Governments on the principles laid down in the rules contained in para.3 of Appendix 8(I) to the Account Code , Vol.I, which deals with the incidence of the cost of troops lent to Civil Departments of the Central Government and to Provincial Governments.

2. Sub-para(3) of para 3 of the Appendix referred to above lays down that the provincial Governments or the Civil Departments concerned will be liable for any compensation that may become payable in respect of any damage done when troops are employed in aid of the Civil Power for the prevention or suppression of disorder . Any compensation that the Defence Department might pay for any wrongful acts or omissions of any personnel of the Armed Forces or its Civilian employees while engaged in such duties in aid of the Civil power will therefore be debited to the Provincial Government or Civil Departments concerned at whose instance troopshave been called o

2. Departments concerned at whose ~~concerned at~~ whose instance troops have been called out.

3. All documents involving a debit against the Provincial Government or Civil Department will be prominently enforced (endorsed?) in red ink as "Debitable _____%%_____", to enable the Controller of Military Accounts concerned to make necessary financial adjustment.

I am, Sir,

Your most obedient servant,

Sd/- Iskandar Mirza,

Lt. Col.

Joint Secretary to the Government of India.

P.W.D.

No.S.D.II/-249-I.

Home Department (Political).

Bombay Castle, 19th June 1947.

Copies forwarded with compliments to:-

The Accountant General, Bombay,

All Departments of the Secretariat (except the Separate Department),

for information and guidance in continuation of this Department endorsement No.S.D.II/- 249-I, dated the 12th March 1946.

By order of the Governor of Bombay

Sd.

for Secretary to the Government of Bombay,

Home Department.

No. 01317/P.S.3(b),

ARMY HEADQUARTERS (INDIA)

Adjutant General's Branch,

(P.S.3(b),

New Delhi, the 6th Feb.48.

To

HQ Eastern Command.

HQ Southern Command.

HQ DEP Command.

Subject:- Incidence of cost of claims arising out of negligence or other wrongful acts of troops employed in aid of the Civil Powers.

Reference the attached copies of late Defence Department (Army Branch) letter No.Claims/IND/48 dated the 30th May 1947 and Ministry of Defence letter No.01317/P.S. 3(b) dated 1-12-47 on the above subject.

Formation Hqrs will obtain th e prior concurrence of the Provincial Government or Civil Department concerned before settling claims which they are competent to decide under ministry of Defence (Army Branch) letter No. 01312/1/PS3(b) dated the 1st December 1947. Claims which fall to be dealt with by the Central Government will be referred to Progincial Governmant or Civil Department concerned by the Ministry of Defence.

Adjutant General, India.

Copy to:- Naval Hqrs.

Air Hqrs.

No.01312/1/P.S.3(b),

Government of India,

Ministry of Defence (Army Branch).

New Delhi, the 1st December 1947.

To

The Adjutant General (India) (with 200 spare copies).

Delegation of powers to local commanders to grant compensation in respect of loss of life or injury, or damage to private property caused by members of the military forces.

Sir,

I am directed to say that the Government of India have decided that the authorities shown below will be empowered to settle civil compensation claims, up to the amounts indicated against them, orginating on or after the 15th August, 1947, in respect of loss of life or injury, or damage to private property (including property of prov-incial Governments, Indian States, etc., mantioned in para. 5 below) arising out of below civil wrongs caused by members of the military forces. These claims will continue to be dealt with in accordance with the instructions contained in "Manual of Instructions for Officers of the Claims Commission (India)" save where these are clearly not applicable .

(a) G.Os-in-C. Commands.	Rs.1,000/- in each individual claim with maximum of Rs.10,000/- in any one accident.
(b) Divisional Commanders, and Area Commanders of and above the rank of Major- General.	Rs. 500/- in each individual claim with a maximum of Rs.5,000/- in any one accident
(c) Area Commanders (if below the rank of Major-General), Sub-Area Commanders and Administrative Commandants, Class I and II .	Rs.250/- in each individual claim with a maximum of Rs.2,500/- in any one accident.

2. Compensation in such cases is to be offered " without Prejudice", and purely as an act of grance, as Government cannot be held liable for damages if the object that caused the damage or injuries, is maintained by Government in the exercise of their Sovereign rights . Each case will, therefore, be considered on its merits.

3. A statement showing the following particulars will be submitted in the usual way to you at the close of each financial year:-

(i) List of cases and amount of compensation claimed in each case.

(ii) Total amount of compensation granted.

(iii) Whether civil suit was filed by any of the claimants and if so, with what result.

RxTxOx / traffic/ accidents or occurrences in the nature of

.....

4. Proposals to settle claims in excess of the limits laid down in paragraph 1(a) above will be submitted to you through the Controller of Military Accounts concerned for the orders of the Government of India. Each case will be accompanied by a full report, a copy of the proceedings of the Court of Enquiry held to investigate the matter and recommendation as to the amount of compansation to be offered. It should also be stated in each case whether any Insurance Company is concerned.

5. No compensation will be offered where the claimants are departments of the Government of India. Claims by Provincial Governments, Indian States, semi- Government bodies, Corporations etc. may, however, be considered on their merits, by the authorities stated in paragraphs 1 and 4 above, as the case may be. Any case of difference of opinion between the Indian States and the authorities mentioned in para.1 above will be referred to the Government of India.

6. The expenditure involved will be debited to ~~~~ Head 7-D- Miscellaneous -7-other miscellaneous expenses of the Defence Services Estimates.

I am, Sir,

your most obedient Servant,

Sd/- K.G.Jain

Assistant Secretary to the Government of India.

No. 01317/P.S.3(b).

Government of India

Ministry of Defence (Army Branch),

New Delhi, the 6th February 1948.

To

The Chief Secretary to the Government of Bombay.

X X X X X X

Subject:- Incidence of cost of claims arising out of negligence or other wrongful acts of troops employed in aid of the civil powers.

Sir,

I am directed to refer to late Defence Department (Army Branch) letter No.Claims/IND/48, dated the 30th May 1947, on the above subject and to say that in view of the liability of provincial Governments and Civil Departments in this matter the question has been raised whether they should not have a voice in the scrutiny of the claims and in determining the amount of compensation. It has accordingly been decided that all claims for compensation in respect of negligence or other wrongful acts of troops lent in aid of the Civil power should be referred to the Provincial Government concerned. The Government of India have in their letter No. 01512/1/P.S.3(b), dated the (copy enclosed) delegated to local commanders Power to settle claims within certain limits. In such cases, the case will be examined by the local commander and will then be referred to the Provincial Government concerned for concurrence.

6-2-48
Vide G.M
H.D No.
S.D II/249
dt. 14-3-48

Other claims will eb referred to them by this Ministry before according sanction.

2. A copy of the instructions which are being issued in this respect by Army Headquarters (India) is enclosed.

X X X X

I am, Sir,
your most obedient servant,
Sd/- P.V.R.Rao,
Joint Secretary to the Government of India.

No.01312/1/P.S.3(b).

Government of India,

Ministry of Defence (Army Branch).

New Delhi, the 1st December 1947.

To

The Adjutant General (India) (with 200 spare copies).

Delegation of powers to local commanders to grant compensation in respect of loss of life or injury, or damage to private property caused by members of the military forces.

Sir,

I am directed to say that the Government of India have decided that the authorities shown below will be empowered to settle civil compensation claims, up to the amounts indicated against them, originating on or after the 15th August, 1947, in respect of loss of life or injury, or damage to private property (including property of Provincial Governments, Indian States, etc., mentioned in para.5 below) arising out of traffic accidents or occurrences in the nature of civil wrongs caused by members of the military forces. These claims will ~~hereinafter~~ continue to be dealt with in accordance with the instructions contained in "Manual of Instructions for Officers of the Claims Commission (India)" save where these are clearly not applicable.

(a) G.Os-in-C, Commands. Rs.1,000/- in each individual claim with a maximum of Rs.10,000/- in any one accident.

(b) Divisional Commanders,

(b) Divisional Commanders, ~~Indian Corps Commanders (Lieutenant-General), Sub-Area Commanders and~~ and Area Commanders of and above the rank of Major-General.	Rs.5000/-in each individual claim with a maximum of Rs.5,000/-in any in one accident.
(c) Area Commanders (if below the rank of Major-General), Sub-Area Commanders and Administrative Commandants, Class I and II.	Rs. 250/-in each invindual claim with a maximum of Rs. 2,500/-in any one accident.

2. Compensation in such cases is to be offered "without Prejudice", and purely as an act of grace, as ~~an act of grace~~ as Government cannot held liable for damages if the object that caused the damage or injuries, is maintained by Government in the exercise of their Sovereign rights. Each case will therefore, be considered on its merits.

3. A statement showing the following particulars willbe submitted in the usual way to you at the close of each financial year:-

(i) List of cases and amount of compensation claimed in each case.

(ii) Total amount of compensation granted .

(iii) Whether Civil suit was filed by any of the claimants and if so, with what result.

4. Proposals to settle claims in excess of the limits laid down in paragraph 1(a) above will be submitted to you through the Controller of Military Accounts concerned for the orders of the Government of India. Each case will be accompanied by a full report, a copy of the proceedings of the Court of Enquiry held to investigate the matter and recommendation as to the amount of compensation to be offered. It should also be stated in each case whether any Insurance Company is concerned

5. No compensation will be offered where the claimants are Departments of the Government of India. Claims by Provincial Governmennts, Indian States, semi-Government bodies, Corporations, etc. may, however be considered on their merits, by the authorities stated in paragraphs 1 and 4 above

5. as the case may be. Any case of difference of opinion between the Indian States and the authorities mentioned in para. 1 above will be reffered to the Government of India.

6. The expenditure involved will be debited to:-

Main Head 7-D-Miscellaneous-7 other miscellaneous expenses of the Defence Services Estimates.

I am, Sir,

Your most obedient servant,

Sd/- K.G.Jain

Assistant Secretary to the Government of India.

No.01317/P.S.3(b),

ARMY HEADQUARTERS (INDIA)

Adjutant General's Branch,

(P.S.3(b),

New Delhi, the, 6th Feb.48

To

HQ Eastern Command.

HQ Southern Command.

HQ DEP Command.

Subject :- Incidence of cost of claims arising out of negl-igence or other wrongful acts of troops employedin aid of the Civil Powers.

Reference the attached copies of late Defence Department (Army Branch) letter No. Claims/IND/48 dated the 30th May 1947 and Ministry of Defence letter No.01317/P.S3(b) dated 1-12-47 on the above subject.

Formation Hqrs will obtain the prior concurrence of the Provincial Government or Civil Department Concerned before settling claims which they are competent to decide under Ministry of Defence (Army Branch) Letter No.01312/1/P33(b) dated the 1st December 1947. Claims which fall to be dealt with by the CentralGovernment ~~Department~~ will be referred

To Provincial Government or civil Department
concerned by the Ministry of Defence.

Adjutant General, India.

Copy to:- Naval Hqrs.

Air Hqrs.

No.01317/P.S.3(b).

Government of India,

Ministry of Defence (Army Branch),

New Delhi, the 6th February 1948.

To

The Chief Secretary to the Government of Bombay.

Subject:- Incidence of cost of claims arising out of negligence or other wrongful acts of troops employed in aid of the civil powers.

Sir,

I am directed to refer to late Defence Department (Army Branch) letter No. Claims/IND48, dated the 30th May 1947, on the above subject and to say that in view of the liability of Provincial Governments and Civil Departments in this matter the question has been raised wether they should not have a voice in the scrutiny of the claims and in determining the amount of compensation. It has accordingly been decided that all claims for compensation in respect of negligence or other wrongful acts of troops lent in aid of the Civil powers should be referred to the provincial Government concerned. The Government of India have in their letter No.01312/1P.S.3(b), dated the 1st December 1947 (copy enclosed) delegated tolocal commanders powers to settle claims within certain limits.In such cases , the case will be examined by the local commander and will then be referred to the provincial Government concerned for concurrence. Other claims will be referffered to them by this Ministry before acc -ording sanction.

2. A copy of the instructions which are being issued in

2. this respect by Army Headquarters (India) is xxxxxx enclosed.

I am, Sir,

Your most obedient servant,

Sd/- P.V.R.Rao,

Joint Secretary to the Government of India

No.S.D.II/-249-I.

Home Department (plitical).

Bombay Castle, 5th March 1948

Copies forwarded with compliments to

The Accountant General, Bombay,

All Departments of the Secretariat (except the Separate Department),

for information and guidance in continuation of this Department endorsement No.S.D.II/-249-I, dated the19th June 1947.

For Secretary to the Government of Bombay Home Department.

No.7302/36-E(II). Public Works Department,

Bombay Castle, 16th March 1948.

Copies forwarded to-

the Superintending Engineers of Circles (except the Superintending Engineer, Northern Circle and the Superintending Engineer, Special Investigation Circle),

the Electrical Commissioner with the Government of Bombay,

the ElectricalEngineer to Government,

the Public Health Engineer to Government,

the Director, Development Department Chawls,

for information in cotinu ation of Government endorsement No.7302/36-E(II). dated the 26th June 1947.

By order of the Governor of Bombay,

Id. 10-3-48

(D.N.Daruwala) */c

Assistant Secretary to the Government of

Bombay, Public Works Department.

Copies forwarded to the Superintending Engineer, Northern Circle, and the Superintending Engineer, Special Investigation Circle, for information.

Issued

17-3-48.

.....

No. S.D.II/-249-I.

Home Department (Political).

Bombay Castle, 19th March 1948

Subject:- Incidence of cost of claims arising out of negligence or other wrongful acts of troops employed in aid of the Civil power,

MEMORANDUM.-

The attention of the Accountant General, Bombay, and all Departments of the Secretariat (except the Separate Department) is invited to this Department endorsement NO.S.D.II/-249-I, dated the 5th March 1948, and they are requested to substitute the date" 6th February 1948" for the date "1st December 1947" in the penultimate line of the first paragraph of Army Headquarters (India) letter No.01317/P.S.3(b), dated the 6th February 1948, a copy of which was forwarded with the above mentioned endorsement

By order of the Governor of Bombay,

Sd.

for Secretary to the Government of Bombay,

Home department.

No. 7302/36-E(II). L E T T E R .

Public Works Department,

BombayCastle, 15th April 1945

To

The Superintending Engineers of Circles,
The Electrical Commissioner with the Government of Bombay.

The Electrical Engineer toGovernment.

The Public Health Engineer to Government.

The Director, Development Department Chawls.

Subjects:- Incidence of cost of claims arising out ofnegligence of other wroggful acts of troops employed in aid of the Civil power.

Please substitute the date 6th February 1948 for the date 1st December 1947 occurring in the first paragraph of Army Headquarters (India) letter No.01317/P.S.3(b), dated the 6th February 1948, a copy of which was forwarded with Government endorsement No.7302/36-E(II), dated the 16th March 1948.

By order of the Governor of Bombay,

Id. 16-4-48

Assistant Secretary to theGovernment of Bombay, Public Works Department.

D.A.:- Nil.

Extracts from Special Indian Army order No.4/S/47, dated the 13th December 1947.

Claims for compensa tion for loss of life or injury of damage to private property caused by members of the military forces.

XX I.A.O.71?/44 is cancelled ~~xxxx~~ w.e.f. the 1st December, 1947.

2. The Claims Commission (India) constituted under Govt. of India, war Depa-rtment letter No.7848/A/W.5, dated the 4th December, 1944, is abolished with effect from the first day of December , 1947.

3. All claims a rising on or after the 15th August, 1947, in the Dominion of India made by or against the armed forces or the personnel thereof or the Central Government, arising out of traffic accidents,,training manoeuvres and occurrences in the nature of Civil wrongs, whether or not having their origin in training and manoeuvres, whereby personal injuyy orloss of life or property or damage toland or crops or other property has resulted will be dealt with by "G",X "A" ~~xxxxxx~~ and "Q" staffs according to their type.

X X X

7. Training and manoeuvre claims:- (a) Subject to overriding opera-tional requirements Commanders will, when selecting areas for the training of troops, make ~~x~~ every endeavour to avoid cultivated land, or other lan-d on which serious damage islikely to be caused to sources ~~fx~~ of food or other local productions.

(b) In all cases the selection of areas should be carried out in ~~x~~ consultation with the Civil Authorities.

(c) Whenever training is to be undertaken on land where damage is likely to be caused, Units/Formations will give thearliest possible notification of the proposed training to the Collector of the District (with a copy to theappropriate staff officer) stating the a rea over which training is to be carried out,

indicating the appropriate extent to which it is cult-i-vated and the nature and probable duration of the trai-ning exercise or scheme so that appropriate notices may be issued by the civil authority to the local inhabitants under the regulations for the time being in force.

(d) For all training exercises onland liable to be damaged,Compensation Office-rs will be appointed by Brigades on the scale of one per Brigade/Artillery Formation. Such officers should ha-ve a knowledge of agriculture. The duties of such officers will be to examine an-d record all cases of damage caused, during training operations, to property or crops.Compensation Officers so appointed will work in close liaison with the local civil authorities who should be invited to depute an officer to accompany the Brigade Compensation Officers. Claims arising from damage caused and the Brigade Compensation officers' records will be disposed of in accordance with para.7(f) of this order,

(e) (i) When a notification has bee-n issued by the probincial Government under Section 2 of the Manoeuvres, Field Firing and Artillery practice Act, 1938, authorising the execution of military manoeuvres, it is provided by section 5 of the same Act that compensation shall be payable from the Defence Estimates for any damage to pef-son or property or interference with rights or privileges arising from such manoeuvres, including expenses reasonably incurred in protecting person, property , rights and privileges.

(ii) Similaryly , when a notification has been issued by the Provincial Government under Section 9 of the same Act a-uthorising field firing and artillery practice it is provided by Section II of the same Act that compensation shall be payable as in thecase of military manoeuvres and for certain other matters therein specified.

(iii).....

(iii) Section 6 of the same Act lays down the method of assessing compnsation for military manoeuvres, field firing an and artillery practice in cases of damage, etc., to which the Act applies. The prescribed authority for assessing and paying compensation under the Act, Subject to certain rights of appea -l as therein provided, is the Revenue Officer deputed by the Collector of the district to accompany the forces engaged in t the manoeuvres, etc.

(f) The authority given in Financial Regulations, India, Part II, Appendix 7, Annexure A, para.4 for the payment of statutory claims from the Training Grant remains in force. payment of statutory claims from the Training Gra-nt may be effected by duly authorised unit officers acting as agents of the Revenue Officer or by bul reimbrsement by the unit or formation concerned to t he Collector.

(" Statutory Claims" means claims which come within the scope of the Manoeuvres Field Firing and Artillery Practice Act 1938.)

(g) The instructions contained in Section IV of Appendix VI(A) to Training Regulations, 1934, are hereby suspended until further notice.

No.S.D.II/-249-I.

Home Department (political).

Bombay Castle, 27th March 1948.

Forwarded with compliments for information to:-

All District Magistrates,)
)
Police,)
The Commissioner of Police)
Bombay,)
)

[illegible])
)
[illegible])
(Political))
)
)
xxx

All District Magistrates,
The Commissioner of Police,
Bombay,

WITH reference to Government letter, Home Department (Political), No.S.D.448, dated the 23rd February 1945

All District Superintendents of Police,
All Departments of the Secretariat (except the Separate Department)

With reference to Government Endorsement, Home Department (Political), No.S.D 449, dated the 23rd February 1945.

By order of the Government of Bombay,

For Secretary to the Government of Bombay,
Home Department.

Id.

Extracts from Special Indian Army Order No.4/S/47, dated the 13th December 1947.

Claims for compensation for loss of life or injury or damage to private property caused by members of the military forces.

I.A.O.71.S/44 is cancelled w.e.f. the 1st December, 1947.

2. The Claims Commission (India) constituted under Govt. of India, war Department letter No.7842/A/W.3, dated the 4th December, 1944, is abolished with effect from the first day of December, 1947.

3. All claims a-rising on or after the 15th August, 1947, in the Dominio-n of India made by or against the armed forc-es or the personnel thereof or the Central Government, arising out of traffic accidents, training manoeuvres and occ-urrences in the nature of civil wrongs whether or not having their origin in training and manoeuvres, whereby personal injury or loss of life or property or damage to land or crops or other property has resulted will be dealt with by "G", "A" and "Q" staffs according to their type.

7. Training and manoeuvre claims.- (a) Subject to over-riding operational requirements Commanders will, when selecting areas for the training of troops, make every en-deavour to avoid cultivated land, or other land on which serious damage islikely to be caused to sources of food or other local productions.

(b) In all cases the selection of areas should be carried out in consultation with the Civil Authorities.

(c) Whenever training is to be undertaken on land where damage islikely to be caused, Units Formations will give t the earliest possible notification of the proposed traini-ng to the Collector of the district (with acopy to the appropriate staff officer) stating- the area over which tra ining is to be carried out , indicating the appropri-ate extent to which it is cultivated , and the nature and probable duration of the training exercise or scheme so that appropriate notices may be issued by the civil

authority to the local inhabitants under the regulations for the time being in force.

(d) For all training exercises onland liable to be damaged, Compensation Officers will be appointed by Brigades on the scale of one per Brigade Artillery Formation. Such officers should have a knowledge of agriculture. The duties of such officers will be to examine and record all cases of damage caused, during training operations, to property or crops. Compensation Officers so appointed will work in close liaison with the local civil authorities who should be invited to depute an officer to accompany the Brigade Compensation Officers. Claims arising from damage caused and the Brigade Compensation Officers' records will be disposed of in accordance with para.7(f) of this order.

(e) (i) When a notification has been issued by the provincial Government under Section 2 of the Manoeuvres, Field Firing and Artillery Practice Act,1938, authorising the execution of military manoeuvres, it is provided by Section 5 of the same Act that compensation shall be payable from the Defence Estimates for any damage to person or property or interference with rights or privileges arising from such manoeuvres, including expenses reasonably incurred in protecting person, property, rights and privileges

(ii) Similarly, when a notification has been issued by the Provincial Government under Section 9 of the same Act authorising field firing and artillery practice it is provided by Section II of the same Act that Compensation shall be payable as in the case of military manoeuvres and for certain other matters therein specified.

(iii) Section 6 of the same Act lays down the method of assessing compensation for military manoeuvres, field firing and artillery practice in cases of damage, etc., to which the Act applies. The prescribed authority for assessing and paying compensation under the Act, subject to certain rights of appeal as therein provided, is the Revenue Officer deput-

by the Collector of the district to accompany the forces engaged in the manoeuvres, etc.

(f) The authority given in Financial Regulations, India, Part II, Appendix 7, Annexure A, para.4 for the payment of statutoryclaims from the training Grant remains in force. Payment of statutory claims from the Training Grant may be effected by duly authorised unit officers acting as agents of the Revenue Officer or by bulk reimbursement by the unit or formation concerned to the Collector.

("Statutory Claims" means claims which come within the scope of the Manoeuvres Field Firing and Artillery practice Act 1938).

(g) The instructions contained in Section IV of Appendix VI(A) to Training Regulations, 1934, are hereby suspended until further notice.

No.S.D.II/-249-I.

Home Department (Political).

Bombay Castle, 27th March 1948.

Forwarded with compliments for information to

All District Magistrates,
The Commissioner of Police, Bombay,
} with reference to Government letter, Home Department (Political), No.S.D.448, dated the 23rd February 1945.

All District Superintendents of Police,
All Departments of the Secretariat (except the Separate Department).
} with reference to Government Endorsement, Home Department (Political), No.S.D.449, dated the 23rd February 1945.

By order of the Governor of Bombay,

Sd/-

For Secretary to the Government of Bombay,

Home Department.

No.7302/36-E(II). Public Works Department

Bombay Castle, 26th April 1948

Copies forwarded to -

the Superintending Engineers of Circles,
(except the Superintending Engineer,
Northern Circle, and the Superintendi
-ng Engineer, Special Investigation
Circle),
the Electrical Commissioner with the Gover-
-nment of Bombay,
the Electrical Engineer to Government
the Public Health Engineer to Government,
the Director, Development Department Ch-
awls,

for information in continuation of Government Endorse
-ment No.7302/36-E(II), da ted t he 3rd April 1945.

By order of the Governor of Bombay,

Id. 28-6-48

Assistant Secretary to the Government of
Bombay , Public Works Department.

Copies forwarded to the Superintending Engineer,
Northern Circle, and the Superintending Engineer, Speci
al Investigation Circle, for information .

Issued 29-4-48

REI.28-6

30/6